

**Amendment and Response**

Applicant: David C. Chu

Serial No.: 10/052,673

Filed: January 17, 2002

Docket No.: 10020043-1

Title: SYSTEM AND METHOD FOR INTERFEROMETER NON-LINEARITY COMPENSATION

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**REMARKS**

This Amendment is responsive to the Office Action mailed August 19, 2003. In that Office Action, the Examiner objected to claims 9, 10, 21, and 25 under 35 U.S.C. §112 due to informalities. The Examiner also provisionally rejected claims 1-9, 11, 20, 22, and 24 under the judicially-created Doctrine of Obviousness-Type Double Patenting as being unpatentable over co-pending Application Publication No. US 2003/0098981 in view of Demarest, U.S. Patent No. 6,597,459 ("Demarest").

With this Response, claims 9, 10, 21, and 25 have been amended. Claims 1-25 remain pending in the application and are presented for reconsideration and allowance.

**Claim Objections under 35 U.S.C. § 112**

The Examiner objected to claims 9, 10, 21, and 25 under 35 U.S.C. §112 due to informalities. With respect to claim 9, the Examiner stated that "it appears to be a lack of antecedent basis for one non-linearity parameter. Examiner is unclear as to whether this parameter is the same as the quasi-static non-linearity parameter." (Office Action at para. no. 1, page 2). With this Response, Applicant has amended claim 9 to include the term "quasi-static."

With respect to claims 10, 21, and 25, the Examiner stated that "it appears to be a lack of antecedent basis for the temporal frequency." (Office Action at para. no. 1, page 2). With this Response, Applicant has amended claims 10, 21, and 25, replacing "the" temporal frequency with "a" temporal frequency.

In view of the above, Applicant respectfully requests removal of the objection to claims 9, 10, 21, and 25 under 35 U.S.C. §112, and requests allowance of these claims.

**Double-Patenting Rejection**

The Examiner provisionally rejected claims 1-9, 11, 20, 22, and 24 under the judicially-created Doctrine of Obviousness-Type Double Patenting as being unpatentable over co-pending Application Publication No. US 2003/0098981 in view of Demarest, U.S. Patent No. 6,597,459 ("Demarest"). In response, the Applicants have submitted herewith a Terminal Disclaimer filed under 37 C.F.R. 1.321 along with the appropriate fees to obviate the Examiner's double patenting rejection.

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**Allowable Subject Matter**

In light of the above, Applicant believes independent claims 1, 11, and 22, and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

**CONCLUSION**

Any inquiry regarding this Amendment and Response should be directed to Jeff A. Holmen at the below-listed telephone number or Jack H Wu at Telephone No. (408) 553-3059, Facsimile No. (408) 553-3063. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: 11/17/03  
JAH:jmc

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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of November, 2003.

By Jeff A. Holmen  
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